

### **REMARKS**

Reconsideration of this application is respectfully requested in view of the foregoing amendments and the following remarks.

Entry of this Amendment is proper under 37 C.F.R. § 1.116 since this Amendment: (a) places the application in condition for allowance for reasons discussed herein; (b) does not raise any new issue regarding further search and/or consideration since the Amendment amplifies issues previously discussed throughout prosecution; (c) does not present any additional claims without canceling a corresponding number of finally-rejected claims; and (d) places the application in better form for appeal, should an appeal be necessary. The Amendment is necessary because it is made in reply to arguments raised in the rejection. Entry of the Amendment is thus respectfully requested.

By this amendment, claims 19-28 have been amended. Claims 29-78 have been withdrawn by a previous election. Thus, claims 1-28 are currently pending in the application and are subject to examination.

The Office Action dated January 31, 2007 indicates that the IDS, filed October 10, 2006, fails to comply with the provisions of 37 C.F.R. §§1.97, 1.98 and MPEP §609. In the Office Action, claims 19-28 were rejected under 35 U.S.C. §112, second paragraph. Claims 1-3, 7, 10, 13, 18-22, 25 and 27 were rejected under 35 U.S.C. §102(b) as being anticipated by Fernandez (U.S. 4,855,725). Claims 4, 5, and 23 were rejected under 35 U.S.C. §103(a) as being unpatentable over Fernandez in view of what was, according to the Office Action, "extremely well known in the art at the time of the

applicant's invention." See Office Action, at page 6. Claim 6 was rejected under 35 U.S.C. §103(a) as being unpatentable over Fernandez in view of Kigami (JP04032497). Claim 8 was rejected under 35 U.S.C. §103(a) as being unpatentable over Fernandez in view of Payton (U.S. 5,790,935). Claim 9 was rejected under 35 U.S.C. §103(a) as being unpatentable over Fernandez in view of Himbeault (U.S. 6,556,561). Claims 11 and 12 were rejected under 35 U.S.C. 103(a) as being unpatentable over Fernandez in view of Kawakura (U.S. 5,903,901). Finally, claims 14-17, 24, 26, and 28 were rejected under 35 U.S.C. §103(a) as being unpatentable over Fernandez in view of Payton.

Regarding IDS, Applicants respectfully submit that it was filed on September 28, 2006 and not on October 10, 2006 as the Office Action indicates. Furthermore, Applicants respectfully submit that the IDS was filed properly under 37 C.F.R. 1.97(c)(2). Therefore, there is no requirement of certification under 37 C.F.R. 1.97(e). Accordingly, the Examiner is respectfully requested to examine the references cited in the IDS on the merits.

To respond to the §112 rejection, Applicants have amended claims 19-28 as suggested by the Examiner. It is, thus, believed that claims 19-28, as amended, overcome the rejection. If the Examiner determines that any further amendments are necessary to overcome the rejection, the Examiner is respectfully requested to contact the undersigned representative.

Regarding to the rejections under 35 U.S.C. §§ 102 and 103, Applicants hereby traverse the rejections, as follows.

### **Claims 1 and 18 Recite Patentable Subject Matter**

Regarding claim 1, Applicants respectfully submit that Fernandez fails to disclose or suggest at least the combination of features of “a queuing processor coupled to the main memory that receives electronic book orders and determines a queue location for an ordered electronic book,” “first queues that temporarily store first sections of electronic books,” and “second queues that temporarily store second sections of electronic books,” as recited in claim 1.

Regarding claim 18, Applicants respectfully submit that Fernandez fails to disclose or suggest at least the combination of features of “a queue section that stores the packaged electronic books,” and “a queue server that empties the queue section based on a queue priority model,” as recited in claim 18.

In Fernandez, a simulated electronic book (CD book) 30 receives data from a personal computer 10 via IR transceivers 48 and 26. According to Fernandez, the CD book 30 includes a memory 46 for storing pages of data transmitted from the personal computer 10, a display screen 34 for displaying the stored pages of data, and keypads 36 to switch between pages and to transmit a page request signal to the personal computer 10. The personal computer 10 is coupled with a CD ROM drive 22, from which the personal computer 10 retrieves the data to be transmit to the CD book 30 in response to the request from the CD book 30.

As described in col. 7, lines 35-48, the user of the CD book 30 can specifically enter a page number to retrieve the data in associated with the specific page number. If the data of the specific page is not stored in the memory 46, the CD book 30 transmits a

request for the data of the specific page to the personal computer 10. The request can also be automatically transmitted to the personal computer 10 once it reaches the end of the pages stored in the CD book 30. Furthermore, in col. 8, lines 12-17, Fernandez describes that the user of the CD book 30 would first make a selection from a CD directory displayed on a monitor 36 of the personal computer 10 and then open a cover 32 of the CD book 30 to load the memory 46 with the first twenty pages of the selection.

As the CD book 30 of Fernandez simply receives and displays data of an electronic book, it does not include a queuing processor, first queues and second queues as recited in claim 1, nor does it disclose a queue section and a queue server, as recited in claim 18. According to the Office Action, col. 7, lines 36-62 of Fernandez discloses such features. However, such section only describes that CD book 30 transmits a request and the personal computer 10 transmits corresponding data in response to the request of the CD book 30.

For at least these reasons, Applicants respectfully submit that independent claims 1 and 18 are not anticipated by Fernandez. Furthermore, Applicants respectfully submit that claims 1 and 18 are patentable over Fernandez. As such, the rejection of these claims, under 35 U.S.C. 102(b) should be withdrawn.

**Claims 2-17 and 19-28 Recite Patentable Subject Matter**

Regarding claims 2-17 and 19-28, Applicants respectfully submit that each of these claims depends from one of allowable claims 1 and 18, and is therefore allowable at least due to their dependencies from patentable independent claims.

## **Conclusion**

For all of the above reasons, it is respectfully submitted that the claims now pending patentably distinguish the present invention from the cited references. Accordingly, reconsideration and withdrawal of the outstanding rejections and an issuance of a Notice of Allowance are earnestly solicited.

Should the Examiner determine that any further action is necessary to place this application into better form, the Examiner is encouraged to telephone the undersigned representative at the number listed below.

In the event this paper is not considered to be timely filed, Applicants hereby petitions for an appropriate extension of time. The Commissioner is hereby authorized to charge any fee deficiency or credit any overpayment associated with this communication to Deposit Account No. 01-2300, referring to client-matter 026880-00004.

Respectfully submitted,  
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